

Rules Amending Title 19  
Hawaii Administrative Rules

July 31, 2020

1. Chapter 122 of Title 19, Hawaii Administrative Rules, entitled "Rules Relating to the Examination of Applicants for Issuance and Renewal of Motor Vehicle Driver's Licenses and Permits" is amended as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 19  
DEPARTMENT OF TRANSPORTATION

SUBTITLE 5  
MOTOR VEHICLE SAFETY OFFICE

CHAPTER 122

RULES RELATING TO THE EXAMINATION OF APPLICANTS FOR  
ISSUANCE AND RENEWAL OF MOTOR VEHICLE DRIVER'S LICENSES  
AND PERMITS

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Historical note. This chapter is based substantially upon The Rules and Regulations Governing the Examination of Applicants for Issuance and Renewal of Motor Vehicle Drivers' Licenses and Instruction Permits. [Eff 1/2/68; am and comp 5/2/75; am and comp 3/28/77; R 8/26/82]

## SUBCHAPTER 1

### GENERAL PROVISIONS

- §19-122-1 Issuance of Hawaii driver's license.
- (a) No Hawaii driver's license shall be issued unless the applicant:
- (1) Presents a valid instruction or commercial learner's permit (CLP) for the appropriate

- category, passes a practical test or tests for the appropriate category of motor vehicle, surrenders all driver's licenses in the applicant's possession, and if under the age of eighteen, meets all the requirements in section 19-139-3;
- (2) Possesses a valid license comparable to a category 1, 2, ~~or~~ 3 Hawaii driver's license, or provisional license and:
- (A) Passes the vision test described in section 19-122-356;
  - (B) Passes the knowledge test described in section 19-122-10 for the appropriate category~~+~~. The knowledge test may be waived for any person at least eighteen years of age licensed in any other state of the United States, District of Columbia, Puerto Rico, American Samoa, Guam, a province of the Dominion of Canada, or Commonwealth of the Northern Mariana Islands, completed the same requirements for a provisional license from another state, or at least eighteen years of age licensed in any jurisdiction for which the director has granted reciprocal licensing privileges;
  - (C) Presents proof of name and date of birth;
  - (D) Presents the applicant's social security card unless the examiner of drivers receives verification from the United States Social Security Administration stating the applicant is ineligible for a social security number or the applicant refuses or is unable to provide a social security number. For social security purposes a middle name (and suffix) are not considered a part of the legal name and can be abbreviated, omitted or misspelled. The first and last names may exclude special characters, such as a hyphen, apostrophe or okina. If an applicant refuses or is unable to provide a social security

number, the applicant will be eligible for issuance of a limited purpose driver's license or limited purpose provisional driver's license upon meeting all other applicable requirements for issuance provided in this section;

- (E) Passes a practical test or tests for the appropriate category of motor vehicle if the licensee:
  - (i) Is under eighteen years of age; or
  - (ii) Is at least eighteen years of age and required by the examiner of drivers to demonstrate driving ability; and
- (F) Presents all out-of-state licenses, one of which shall cover the category for which the applicant is applying; or
- (3) Possesses a valid commercial driver's license and:
  - (A) Passes the vision test described in section 19-122-356;
  - (B) Passes the hazardous materials test described in section 19-122-10 to retain a hazardous materials endorsement;
  - (C) Presents proof of name and date of birth;
  - (D) Presents social security card;
  - (E) Is at least twenty-one years of age;
  - (F) Presents all out-of-state licenses, one of which shall cover the category for which the applicant is applying; and
  - (G) Presents any two of the documents listed in section 19-122-302(2)(D) that contain the applicant's name and the address of applicant's principal residence within the State of Hawaii.

(b) The examiner of drivers may waive the motorcycle skills test if the applicant presents a "Notice of Satisfactory Course Completion" [~~DOT 4-810 (HWY-V9/15) as shown in Exhibit A, entitled "Motorcycle Skills Test Certification for Waiver", dated 9/1/15, located at the end of this chapter.~~]. A copy is located on the DOT Motor Vehicle Safety Office web site

or available upon request.

(c) The examiner of drivers may require that further physical and mental examinations be conducted upon the applicant as the examiner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.

(d) Before issuing a driver's license, the examiner of drivers shall obtain the applicant's clear driving status on the Commercial Driver License Information System, the National Driver Register Problem Driver Pointer System, and other data exchange applications to determine the applicant's identity and eligibility.

(e) The examiner of drivers may obtain from and provide to another state, electronic digital images and other personal information through a digital image access and exchange program (DIAEP) system regarding the holder of a driver's license in a reasonable attempt to identify driver applicants and to deter license fraud and identity theft as allowed by the Federal Driver Privacy Protection Act (DPPA) to the extent that the licensing authorities are sharing and exchanging such information to carry out their governmental functions. Any exchange of information shall be done in accordance with Part VIII of Chapter 286 of the Hawaii Revised Statutes, and any rules promulgated thereunder.

(f) The information obtained from the DIAEP system will be used for the visual identification of a license applicant; facial recognition technology may be used. The information will also indicate if a license holder is deceased or an existing license is suspended or revoked. All personal information obtained from the DIAEP system shall be protected from unauthorized use and disclosure, at a minimum, as required by the DPPA and the state of record. The digital image and personal information obtained through the DIAEP system shall not be kept for a period exceeding three working days; except for purposes of license fraud, identity theft investigation, and prosecution; as stated in section 19-122-1(g).

(g) A digital image and personal information received from a state of record through the DIAEP system may be used for purposes of investigating and

prosecuting any individual who is reasonably believed to have fraudulently attempted to obtain a license by using the personal information of another individual whose image or personal information has been received from the state of record, or who is reasonably believed to have engaged in acts or conduct of a similar nature that constitute a violation of law. Except as may be required by law, the examiner of drivers shall not permit a digital image or personal information obtained from a state of record to be accessed or used by a law enforcement agency or personnel of such agency for any other purpose.

(h) An out-of-state licensee who possesses a valid license comparable to a Hawaii category 4 license and who desires a category 4 Hawaii driver's license shall comply with section 19-122-2. Out of state category 4 licenses are not transferable to Hawaii.

[Eff 8/26/82; am and comp 6/15/91; am and comp 12/2/00; am and comp 11/30/02; am and comp 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; am and comp ] (Auth: HRS §§286-18, 286-104.5, 286-108, 286-111, 286-236, 286-239; 49 CFR §383.73) (Imp: HRS §§286-102, 286-104.5, 286-105, 286-108, 286-110, 286-111, 286-171, 286-172, 286-236, 286-239; 49 CFR §383.73)

§19-122-2 Instruction or commercial learner's permit required. All applicants shall obtain an instruction or commercial learner's permit if they are not licensed by the State of Hawaii or any other jurisdiction for the category of motor vehicle for which application is made.

~~[All applicants possessing a valid driver's license from another jurisdiction which is comparable to a category 4 Hawaii driver's license and desiring to obtain a Hawaii category 4 license shall obtain an instruction permit for category 4. The applicant may also at the same time be issued a temporary driving permit for a category 1, 2, or 3 driver's license when the applicant's valid out-of-state category 4 driver's license covers the appropriate category 1, 2, or 3 license and meets all of the appropriate requirements set forth in section 19-122-4.]~~ As used in this



chapter, categories of motor vehicles shall be as set forth in sections 286-102 and 286-239, Hawaii Revised Statutes. [Eff 8/26/82; am and comp 6/15/91; comp 12/2/00; am and comp 11/30/02; comp 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; comp 11/4/16]; am and comp ] (Auth: HRS §§286-18, 286-110, 286-236) (Imp: HRS §§286-110, 286-236)

§19-122-3 Issuance of instruction or commercial learner's permit. No instruction or commercial learner's permit shall be issued to an applicant unless the applicant:

- (1) Passes the vision test described in section 19-122-356;
- (2) Passes a written, oral, or automated test pursuant to sections 19-122-10 and 19-122-11, determined by the examiner of drivers to be appropriate for the category of motor vehicle for which the applicant seeks to be licensed;
- (3) Presents proof of name and date of birth. CLP or category 4 applicants must be at least 18 years of age;
- (4) Presents social security card unless the examiner of drivers receives verification from the United States Social Security Administration stating the applicant is ineligible for a social security number or the applicant refuses or is unable to provide a social security number. If an applicant refuses or is unable to provide a social security number, the applicant will be eligible for issuance of a limited purpose instruction permit upon meeting all other applicable requirements for issuance provided in this section;
- ~~[-(5) Presents a current head front view color photograph, digitized color image or black and white laser engraved photograph of the driver; about 2" x 2" if applying for a commercial learner's permit;~~
- ~~-(6)]~~ (5) Meets the qualification standards of 49 CFR, Part 391, Subparts B and E if the applicant expects to obtain a category 4 or

commercial learner's permit;

~~[(A) Class 4 applicants disqualified under 49 CFR 391.41(b)(3) may qualify by providing a signed statement that certifies the applicant is medically qualified and not a threat to public safety to operate a class 4 motor vehicle. The statement must be signed by the applicant's personal physician who, if not an endocrinologist or internist, must certify in the statement that a named specialist in endocrinology has been consulted.] An applicant for a commercial driver's license who is not physically qualified under 49 CFR 391.41(b)(1) or (2) may qualify by [providing a "Certification for Intrastate Physical Disability Waiver," DOTH 2063 (5/16) as shown in Exhibit G, entitled "Certification for Intrastate Physical Disability Waiver", dated 5/16, located at the end of this chapter] obtaining an intrastate physical disability waiver. An application is available at the DOT Motor Vehicle Safety Office Library web site[ ~~or~~ (B) An applicant for a commercial driver's license who is not physically qualified under 49 CFR 391.41(b)(3) may qualify by providing a "Certification for Intrastate Medical Waiver," DOTH 2062(5/16), as shown in Exhibit H, entitled "Certification for Intrastate Medical Waiver", dated 5/16, located at the end of this chapter].~~

~~[(7)]~~ (6) Shows a clear driving status on the Commercial Driver License Information System, the National Driver Register Problem Driver Pointer System, and other data exchange applications to determine the applicant's identity and eligibility; and

~~[(8)]~~ (7) Presents proof of residency in the State of Hawaii in accordance with section 19-

122-302(2)(D) to obtain a permit for a commercial driver's license. [Eff 8/26/82; am and comp 6/15/91; am and comp 12/2/00; am and comp 11/30/02; am and comp 5/15/06; am and comp 5/2/08; comp 7/29/10; comp 10/14/11; am and comp 1/17/14; am and Comp 11/4/16; am and comp ] (Auth: HRS §§286-18, 286-104.5, 286-110, 286-111, 286-236; 49 CFR §383.73) (Imp: HRS §§286-104.5, 286-110, 286-111, 286-236; 49 CFR §383.73)

§19-122-4 Temporary driver's license, temporary provisional driver's license, temporary instruction permit, temporary limited purpose driver's license, temporary limited purpose provisional driver's license [or], temporary limited purpose instruction permit, or temporary limited purpose commercial learner's permit; validity period. Except as otherwise provided in section 19-122-308 and section 19-122-353(f), a temporary driver's license, temporary provisional driver's license, temporary instruction permit, temporary limited purpose driver's license, temporary limited purpose provisional driver's license, [or] temporary limited purpose instruction permit, or temporary limited purpose commercial learner's permit shall be issued to a person who qualifies for the appropriate license or permit. The examiner of drivers may issue the appropriate temporary driver's license or permit valid for ninety days when experiencing network or system problems. Qualified drivers who need to wait for central issuance to produce and deliver the license or permit may be issued the appropriate sixty-day temporary license or permit. [Eff 8/26/82; am 12/1/85; am and comp 6/15/91; am and comp 12/2/00; am and comp 1/30/02; comp 5/15/06; am and comp 5/2/08; comp 7/29/10; comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; am and comp ] (Auth: HRS §§286-18, 286-104.5, 286-108, 286-236, 286-239; 49 CFR §383.73) (Imp: HRS §§286-104.5, 286-108, 286-236, 286-239; 49 CFR §383.73)

§19-122-5 Renewal of driver's license. (a) No driver's license shall be renewed until the applicant has passed the vision test described in section 19-122-356. Applicants must pass the hazardous materials test described in section 19-122-10 to renew a hazardous materials endorsement. The examiner of drivers may require further physical examinations and practical tests to be conducted upon the applicant as the examiner finds necessary to determine the applicant's fitness to continue to operate a motor vehicle safely upon the highways.

(b) Before renewing a driver's license, the examiner of drivers shall obtain the applicant's clear driving status on the Commercial Driver License Information System, the National Driver Register Problem Driver Pointer System, and other data exchange applications to determine the applicant's identity and eligibility. [Eff 8/26/82; am and comp 6/15/91; comp 12/2/00; am and comp 11/30/02; comp 5/15/06; am and comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-107, 286-239; 49 CFR §383.73) (Imp: HRS §§286-107, 286-239; 49 CFR §383.73)

§19-122-6 Reexamination after failure. If an applicant fails the knowledge or practical test, there shall be a mandatory waiting period of at least one week but not more than thirty days before the applicant shall be eligible for retesting. [Eff 8/26/82; am and comp 6/15/91; comp 12/2/00; comp 11/30/02; comp 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-108) (Imp: HRS §286-108)

§19-122-7 REPEALED. [R 5/2/08]

§19-122-7.1 Definitions. As used in this chapter, unless a different meaning clearly appears in context:

"AAMVA" means American Association of Motor Vehicle Administrators.

"Applicant" means a person who is attempting to obtain a driver's license, license renewal, or permit;

"Authenticate" means to establish that a document is genuine or that the account is true.

"CDL" means Commercial Driver's License.

"CFR" means Code of Federal Regulations.

"Commercial learner's permit" means a document giving an individual temporary authority, under certain conditions, to drive a commercial motor vehicle without a commercial driver's license for the purpose of behind-the-wheel training on public roads and highways.

"Covered employee" means department of motor vehicles employees or contractors who are involved in the manufacture or production of driver's licenses, or who have the ability to affect the identity information that appears on the driver's license.

"Director" means the state director of transportation.

"DHS" means the United States Department of Homeland Security.

"Domicile" means a permanent place of residence which remains the same when a person lives elsewhere temporarily.

"Duplicate license or permit" means a driver's license or learner's permit issued subsequent to the original document that bears the same expiration date as the original document but may contain updated information and that is issued at the request of the holder when the original is lost, stolen, damaged, or contains an error or out-of-date information.

"Examiner" or "Examiner of drivers" means the person or authorized representative of the examiner of drivers, as provided in section 286-101, HRS.

"INS" means the Federal Immigration and Naturalization Service.

"Instruction permit or driving permit" means an instruction or driver permit that may be used to operate a motor vehicle of the appropriate class for a limited period of time within the State of Hawaii.

"Lawful status" means a citizen or national of the United States; or an alien: lawfully admitted for permanent or temporary residence in the United States; with conditional permanent residence status in the United States; who has an approved application for

asylum in the United States or has entered into the United States in refugee status; who has a valid non-immigrant status in the United States; who has pending application for asylum in the United States; who has a pending or approved application for temporary protected status in the United States; who has approved deferred action status; or who has a pending application for lawful permanent residence or conditional permanent resident status.

"Limited purpose driver's license, limited purpose provisional driver's license and limited purpose instruction permit" means a driver's license, provisional driver's license or an instruction permit issued to an applicant who is unable or refuses to provide satisfactory documentary proof of legal presence or social security number, and issued in accordance with the requirements of chapter 286, HRS.

"Non-domiciled commercial learner's permit" means a document that authorizes an individual to operate a class of commercial motor vehicle as provided by the permit but the person is not domiciled in the state that issues the permit.

"Principal residence" means the location where a person currently resides even if the residence location is temporary.

"REAL ID" or "REAL ID Act" means the REAL ID Act of 2005, Pub.L. No. 109-13.

"Reasonable cause" means the belief, which is fair, proper, just, moderate and suitable under the circumstances.

"SAVE" means the DHS systematic alien verification for entitlements system, or such successor or alternate verification system at the Secretary's discretion.

"Source document" means original or certified copy (where applicable) of a document presented by an applicant as required by these rules to apply for a driver's license.

"State" means the State of Hawaii.

"SSOLV" means social security on-line verification.

"SSA" means Social Security Administration.

"Tank vehicle" means the same as in section 286-231, HRS.

"Temporary driver's license" means a paper

driver's license issued to an individual who presents valid documentary evidence, verifiable through SAVE or other DHS-approved means, that the person has lawful status in the United States and having a validity period no longer than the expiration of the applicant's authorized stay in the United States, or if there is no expiration date, no longer than one year; and no longer than the state's maximum driver's license validity period.

"Temporary limited purpose driver's license" means a paper driver's license issued to an individual who does not present valid documentary evidence, either by inability or refusal, of satisfactory proof of authorized presence or legal status in the United States but otherwise meets the requirements of chapter 286, HRS.

"Temporary instruction permit" means a paper instruction permit issued to an individual who presents valid documentary evidence, verifiable through SAVE or other DHS-approved means, that the person has lawful status in the United States and having a validity period no longer than the expiration of the applicant's authorized stay in the United States, or if there is no expiration date, no longer than one year.

"Temporary limited purpose instruction permit" means a paper instruction permit issued to an individual who does not present valid documentary evidence, either by inability or refusal, of satisfactory proof of authorized presence or legal status in the United States but otherwise meets the requirements of chapter 286, HRS.

"Treating clinician" means the healthcare professional who manages, and prescribes insulin for, the treatment of an individual's diabetes mellitus as authorized by the healthcare professional's State licensing authority.

"Temporary lawful status" means a person who has a valid nonimmigrant status in the United States, has a pending application for asylum in the United States; has a pending or approved application for temporary protected status in the United States, has approved deferred action status, or has a pending application for lawful permanent residence or conditional permanent resident status.

§19-122-7.1

"USCIS" means United States Citizenship and Immigration Service.

"Verify" means procedures to ensure that a source document provided is genuine, authentic, and valid. [Eff and comp 1/17/14; am and comp 11/4/16; am and comp ] (Auth: HRS §§286-18, 286-104, 286-104.5) (Imp: HRS §§286-18, 286-104, 286-104.5)

§19-122-8 REPEALED. [R 5/2/08]

§19-122-9 REPEALED. [R 5/2/08]

§19-122-10 Knowledge tests for original license.

(a) Applicants for an original Hawaii driver's license categories 1, 2, 3, and 4 shall take an appropriate examination in the English language on rules of the road, traffic code provisions, safe driving practices, and the meaning of traffic signs. Although autocycles are a subclass of motorcycles, autocycles require a class 3 license rather than a class 2. At least three different sets of examinations, each consisting of not less than twenty-five general questions, shall be available for use by the examiner of drivers. Any one of the examination sets may be used at the discretion of the examiner. Each applicant shall be given one examination.

(b) Each applicant applying for a category 1 or 2 license (motorcycle, except for autocycle, or motor scooter) shall take a test as described in subsection (a) and an examination in the English language consisting of not less than ten questions pertaining to the operation of a motorcycle or motor scooter.

(c) Applicants who possess a valid Hawaii driver's license and make application for a higher category of driver's license shall not be required to take the examination described in subsection (a).

(d) Applicants for a commercial driver's license shall take a fifty-question general knowledge test about good driving practices and vehicle inspections to operate commercial vehicles safely.

(e) Commercial drivers shall take special



knowledge tests to drive certain vehicles and to transport certain cargo. The specialized tests are:

- (1) Air brakes test. This test measures knowledge required to drive vehicles equipped with air brakes. Drivers who do not pass this test have a [~~"Z"~~] "L" restriction on their license. Each test shall consist of twenty-five questions.
- (2) Combination vehicles test. This test measures knowledge required to drive combination vehicles such as tractor-trailer rigs. It must be passed by every applicant who wants a class A commercial driver's license. Each test shall consist of twenty questions.
- (3) Passenger transport test. This test measures knowledge required by bus drivers. It must be passed to receive a passenger endorsement (P) to a commercial driver's license. Each test shall consist of twenty questions.
- (4) Doubles/triples test. This test measures knowledge required to drive trucks with two or three cargo trailers. It must be passed to receive a doubles/triples endorsement (T) to a category A commercial driver's license.  
Each test shall consist of twenty questions.
- (5) Tank vehicle test. This test measures knowledge required to drive tanker trucks that haul liquids or gases in bulk. It must be passed to receive a tank vehicle endorsement (N) to a commercial driver's license. Each test shall consist of twenty questions.
- (6) Hazardous materials test. This tests basic knowledge of regulations governing the hauling of hazardous materials and hazardous waste. It must be passed to receive a hazardous materials endorsement (H) to a commercial driver's license. Each test shall consist of thirty questions. An endorsement to carry hazardous materials in a tank vehicle is indicated by a (X).
- (7) School bus test. This test measures

knowledge required to drive school buses. It must be passed to receive a school bus endorsement (S) to a commercial driver's license.

(f) The applicant shall be considered to have passed a knowledge test if at least eighty per cent of the questions have been answered correctly.

(g) An applicant who has difficulty reading the English language shall be examined orally or by other means deemed appropriate by the director in any of the knowledge tests except the hazardous materials endorsement test.

(h) An applicant who has difficulty understanding the English language may be examined in the language chosen from those available and approved by the director in any of the knowledge tests except the hazardous materials endorsement test. [Eff 8/26/82; am and comp 6/15/91; comp 12/2/00; am and comp 11/30/02; am and comp 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; am and comp ] (Auth: HRS §§286-18, 286-108, 286-236; 49 CFR §383.71, 383.93, 383.111, 383.123, 383.133, 383.153) (Imp: HRS §§286-108, 286-236; 49 CFR §§383.71, 383.93, 383.111, 383.123, 383.153)

§19-122-11 Knowledge tests for renewal license.

If the applicant for a renewal license wants to retain a hazardous materials endorsement, the applicant must take a special knowledge examination in the English language on how to recognize, handle, and transport hazardous materials. The examination shall consist of not less than thirty questions. The applicant shall be considered to have passed the knowledge test if at least eighty per cent of the questions have been answered correctly. [Eff 8/26/82; am and comp 6/15/91; comp 12/2/00; am and comp 11/30/02; comp 5/15/06; am and comp 5/2/08; comp 7/29/10; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-239; 49 CFR §383.71) (Imp: HRS §286-239; 49 CFR §383.71)

§19-122-12 Practical tests. Practical tests

shall be given as required under sections 19-122-1, 19-122-4, and 19-122-5. Practical tests shall be as set forth in sections 19-122-13, 19-122-14, and 19-122-17. [Eff 8/26/82; am 12/1/85; comp 6/15/91; comp 12/2/00; am and comp 11/30/02; am and comp 5/15/06; comp 5/2/08; comp 7/29/10; am and comp 10/14/11; comp 1/17/14; comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-108, 286-236; 49 CFR §§383.71, 383.113) (Imp: HRS §§286-108, 286-236; 49 CFR §§383.71, 383.113)

§19-122-13 Off-street skill tests for motor scooters, motorcycles, and three-wheeled vehicles, except autocycles. When required by the examiner of drivers to take off-street skill tests, an applicant for a category 1 license (mopeds) or a category 2 license (motorcycles and motor scooters, except autocycles) shall:

- (1) Provide for the test, a motor vehicle in serviceable condition of the category for which the applicant desires to be licensed, except autocycle drivers must pass a class 3 test in a class 3 vehicle; and
- (2) Obtain a passing score of zero to ten points after completing exercises administered in accordance with the Motorcycle Safety Foundation (MSF) Rider Skill Test Motorcycles & 3-Wheel Motorcycles ~~[as shown in Exhibit D, dated 9/1/15, located at the end of this chapter]~~. [Eff 8/26/82; am 12/1/85; am and comp 6/15/91; am and comp 12/2/00; am and comp 11/30/02; am and comp 5/15/06; comp 5/2/08; comp 7/29/10; am and comp 10/14/11; comp 1/17/14; am and comp 11/4/16; am and comp ] (Auth: HRS §§286-18, 286-108) (Imp: HRS §286-108)

§19-122-14 On-street skill test for category 3 light motor vehicles. (a) When required by the examiner of drivers to take an on-street test, an applicant for a category 3 license shall:

- (1) Provide for the test a motor vehicle in serviceable condition of the category for

which the applicant desires to be licensed, except that an autocycle shall not be used to take the class 3 test. The vehicle may be equipped with manual or automatic shift transmission.

- (2) Start the vehicle; drive through a business district; park parallel to a curb in a space provided; make proper right and left turns; exhibit skill in the use of the clutch or transmission when moving on a slight grade from a standing start whether proceeding forward or reversing; operate the vehicle in reverse; observe, without hesitation, traffic signs and signals; drive through heavy traffic; exhibit proper braking procedures when coming to a stop and when following or driving through heavy traffic; and exhibit proper signaling of intention to turn or stop. If possible, the course shall include at least two stop signs and two traffic signals; a straight course to demonstrate the applicant's knowledge of signals; at least three right turns and three left turns incorporating all turning situations that the driver might encounter; and at least two unmarked intersections which may be of a type where the applicant's view of cross traffic is partially obscured. The route shall be planned to allow the examiner to rate the applicant's ability to read and interpret traffic signs and roadway marking; alertness and resistance to distractions; ability to size up difficult traffic situations and make intelligent decisions; and ability to apply knowledge of county traffic ordinances, state laws, and safe driving practices.

(b) An applicant shall be considered to have passed the on-street test if the applicant satisfactorily demonstrates the following:

- (1) Starting. The engine is started without difficulty and the vehicle is placed in motion smoothly.
- (2) Stopping. The vehicle is brought to a smooth and comfortable stop.

- (3) Steering and turning. The vehicle is kept on a steady course with no swaying in traffic. Left and right turns are executed in compliance with traffic regulations.
- (4) Reversing. The vehicle is maintained on a steady course. There is exhibited a satisfactory sense of direction while backing.
- (5) Observance of signs and signals. There is a strict adherence to traffic signs and signals, speed restrictions, and pedestrian right-of-way. Arm signal or mechanical signals signifying an intention to turn is given. Arm signal signifying an intention to stop is given.
- (6) Clutch synchronization ~~[and]~~, acceleration and deceleration. In a motor vehicle with a manual transmission, the application and release of the clutch is satisfactorily smooth and gradual when starting forward, reversing, or coming to a stop on level ground or an upgrade. In all motor vehicles, acceleration and deceleration is gradual and steady.
- (7) Brake reaction. When the brake is applied at a speed of twenty miles per hour, the distance between the point where the brakes are applied and the point where the vehicle comes to a complete stop is not more than twenty-five feet. Reaction time is not more than three-fourths of a second. Reaction time distance is twenty-two feet. The total stopping distance is forty-seven feet.
- (8) Parking. Parking is accomplished in a business district, both parallel to the right and to the left of a curbing within the space provided. There is a smooth unfaltering execution of the parking procedure, the applicant demonstrating reasonably good distance and timing judgment. [Eff 8/26/82; am and comp 6/15/91; comp 12/2/00; am and comp 11/30/02; comp 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; comp 11/4/16; am and comp ]

§19-122-14

Auth: HRS §§286-18, 286-108) (Imp: HRS§286-108)

§19-122-15 REPEALED. [R 6/15/91]

§19-122-16 REPEALED. [R 6/15/91]

§19-122-17 Category 4 and commercial [driver] driver's license skill tests. (a) The skill tests include the vehicle inspection test, the basic control skills test, and the road test. The applicant shall provide a motor vehicle in the category the applicant desires a license. The applicant shall take the:

- (1) Vehicle inspection test by conducting a thorough inspection of the vehicle as shown in the CDL [~~Vehicle Inspection Memory Aid, located in Exhibit E "Pre-trip Inspection Aid", dated July 2014 at the end of this chapter and explained in Section 11, Pre-trip Vehicle Inspection Test, of the Hawaii Commercial Driver License 2005 CDL Testing Model (CDL Driver's Manual), Version: July 2014.~~] Driver's Manual (See DOT MVSO Library web site).
- (2) Basic control skills test to demonstrate basic skills essential for safe control of the vehicle. Three of the following six exercises shall be taken; however, the director may approve test modifications for vehicles with more than one articulation. These six exercises are [~~on Pages 12-3 through 12-5 of~~] listed in the CDL Driver's Manual[, Version July 2014 and are shown at the end of this chapter as Exhibit F, entitled "Six Basic CDL Skill Test Exercises", dated July 2014. Applicants are allowed to exit the vehicle one time during each exercise to check vehicle spacing. Points are deducted for improper final vehicle position, excessive pull-ups and encroaching the exercise boundary lines. Mirrors are not counted as part of the

- ~~vehicle~~ (See DOT MVS0 Library web site).
- (A) Straight Line Backing. The applicant shall back down and out of the alley, without touching the boundaries of the alley. One free pull-up is allowed.
  - (B) Alley Dock. The applicant shall drive by the alley so the entrance is on the applicant's left. The applicant shall back into the alley, without touching the side boundaries of the alley, and stop within three feet of the rear of the alley without encroaching the rear boundary line. Two free pull-ups are allowed.
  - (C) Sight-side or Conventional Parallel Park. The applicant shall back the entire vehicle into a parking space that is 15 feet longer than the vehicle on the applicant's left or right. Two free pull-ups are allowed.
  - (D) Offset Backing (Left or Right). The vehicle is positioned in one of two ~~[12-foot wide]~~ lanes that are separated ~~[by 12-inches]~~ from each other. The applicant shall drive straight ahead to a boundary line, stop and back the vehicle into the other lane until the front of the vehicle is inside the lane. Two free pull-ups are allowed.
- (3) Road test to demonstrate ability to drive safely in most on-the-road situations. The predetermined route should contain the following maneuvers: four left and four right turns; a straight section of urban business street; intersections; a railroad crossing (or simulation); one left curve and one right curve; a section of expressway or two-lane rural or semi-rural road; two lane change maneuvers; a roadside stop and start; and observe low clearance or weight restriction signs.
  - (4) For an applicant who falls under 49 CFR §383.133(c)(5), neither the applicant nor the examiner may communicate in a language other

than English during the skills test [~~7~~  
~~pursuant to 49 CFR §383.133~~].

~~[(b) The scoring form for the Pretrip Vehicle Inspection test, Basic Control Skills test and Road test is shown in Exhibit A, entitled CDL Skills Test Score Sheet, located at the end of this chapter and dated July 2014.~~

~~(c) The applicant shall be considered to have passed each test if the applicant received passing scores as shown in Exhibit B, "Passing Scores (July 2014)" dated July 2014 located at the end of this chapter.~~

~~[(d)] (b)~~ The applicant shall pass the skills test in a vehicle equipped with air brakes to obtain ~~[an unrestricted license]~~ a license without an air brake restriction.

~~[(e)] (c)~~ Commercial drivers shall pass the skills test in a passenger vehicle designed to carry at least 16 occupants to obtain a passenger endorsement applicable to a specific vehicle group.

~~[(f)] (d)~~ The applicant shall pass all three parts of the skill test at the same appointment; if any part is failed, all three parts (even the parts that were passed during an earlier appointment) must be passed during a subsequent appointment. The skill test fee shall be paid prior to taking each test.

~~[(g)] (e)~~ Commercial drivers with a passenger endorsement shall pass the skills test in a school bus vehicle to obtain a school bus endorsement applicable to a specific vehicle group. [Eff 6/15/91; am and comp 12/2/00; am and comp 11/30/02; am and comp 5/15/06; comp 5/2/08; comp 7/29/10; am and comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; am and comp ]  
(Auth: HRS §§286-18, 286-236; 49 CFR §§383.71, 383.113, 383.123) (Imp: HRS §286-236; 49 CFR §§383.71, 383.113, 383.123, 383.133)

§19-122-18 REPEALED. [R 6/15/91]

§19-122-19 Discontinuance of test. Any skill test, on-street, or off-street test described in this chapter shall be discontinued immediately by the



examiner if any of the following occurs:

- (1) The motor vehicle being used is involved in an accident;
- (2) The applicant drives dangerously or recklessly;
- (3) The applicant commits a serious traffic violation;
- (4) The applicant refuses or fails to follow the instructions of the examiner; or
- (5) It becomes apparent that the motor vehicle being used is in an unsafe condition. If a test is discontinued under paragraphs (1) through (4), there shall be a mandatory minimum waiting period of one week before the applicant shall be eligible to test. [Eff 8/26/82; am, comp and ren §19-122-19, 6/15/91; comp 12/2/00; am and comp 11/30/02; am and comp 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-108) (Imp: HRS §286-108)

§19-122-20 REPEALED. [R 11/30/02]

§19-122-21 Commercial driver's license nonrefundable fees. (a) An applicant shall pay a nonrefundable:

- (1) \$30 application fee for a permit;
- (2) \$5 fee per year or a fraction thereof for a new or renewed license;
- (3) \$15 fee for a duplicate license or any change to the information on the license;
- (4) \$15 fee to take the general knowledge test;
- (5) \$5 fee to take each special knowledge test;
- (6) \$15 additional fee to take the aural test;
- (7) \$50 fee to take the skills tests;
- (8) \$20 fee to reinstate a commercial driving privilege;

(b) An applicant shall prepay the \$50 fee to schedule an appointment to take the skills tests. Only drivers with prepaid appointments and proof of payment will be allowed to test. An applicant forfeits the

prepaid fee if the applicant fails to keep an appointment. [Eff and comp 6/15/91; comp 12/2/00; am and comp 11/30/02; comp 5/15/06; comp 5/2/08; comp 7/29/10; am and comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-111) (Imp: HRS §286-111)

§19-122-22 REPEALED. [R 5/15/06]

§19-122-23 Permit or license application requirements. (a) An applicant for an instruction or commercial learner's permit or an original or renewal of a driver's license must apply on a form provided by the examiner of drivers.

(b) The application must be completed before the examiner of drivers can administer an examination.

(c) The application must state the applicant's full name and place and date of birth. The information must be verified by presentation of proof of identity satisfactory to the examiner of drivers.

(d) The application must include:

- (1) The right thumbprint of the applicant and the right and left index fingerprints; if the right thumbprint cannot be obtained, the left thumb shall be used; if one or both of the index fingerprints cannot be obtained, then alternate fingerprints shall be obtained in the following successive order until at least two clear fingerprints are obtained, preferably one from each hand:

- (A) Middle finger;
- (B) Ring finger;
- (C) Little finger.

When the applicant's fingerprints must be verified against a stored electronic record, the examiner of drivers may select additional or both thumbs and all fingers to be fingerprinted in order to aid in the verification of identity against the stored electronic records.

- (2) A brief description of the applicant;
- (3) The ~~[sex]~~ gender of the applicant;

- (4) The mailing and residence addresses of the applicant;
- (5) The social security number of the applicant unless the examiner of drivers receives verification from the United States Social Security Administration stating the applicant is ineligible for a social security number or the applicant refuses or is unable to provide a social security number;
- (6) The occupation of the applicant;
- (7) The signature of the applicant in flowing cursive handwriting or distinguishing mark to confirm the applicant's identity or signify the authenticity of the applicant's attestation. The examiner of drivers shall not accept any application where the signature includes any disclaimer, qualification, restriction, or condition;
- (8) Parental consent of the applicant if the applicant is a minor;
- (9) Whether the applicant is an organ donor;
- (10) Whether the applicant has an advance healthcare directive;
- (11) Whether the applicant has been licensed to drive a motor vehicle and if so, when and by what state or country;
- (12) Whether the applicant's driving privilege has been withdrawn or denied; and
- (13) Any other information the examiner of drivers requires to determine the applicant's identity, competency, and eligibility. [Eff 11/30/02; am and comp 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; am and comp ] (Auth: HRS §§286-18, 286-104.5, 286-109, 286-109.5, 286-111, 286-112; 49 CFR §383.123) (Imp: HRS §§286-104.5, 286-109, 286-109.5, 286-111, 286-112; 49 CFR §383.123)

§19-122-24 Appearance of driver's permit and license. (a) The information displayed on the driver's license or permit card shall meet or exceed

the driver's license and identification card design standards set by the American Association of Motor Vehicle Administrators. These standards are maintained to promote consistency throughout the United States.

(b) An applicant who does not meet the requirements of the federal REAL ID Act shall be issued a limited purpose driver's license, limited purpose provisional driver's license, limited purpose instruction permit, or a temporary limited purpose driver's license, temporary limited purpose provisional driver's license, or temporary limited purpose instruction permit of a different color that clearly distinguishes it from the federal REAL ID Act compliant driver's license, provisional driver's license or instruction permit or temporary driver's license, temporary provisional driver's license or temporary instruction permit. With the exception of the color and required printed statements precluding use for official federal purposes, establishing eligibility for employment, voter registration, or public benefits, the limited purpose driver's license, limited purpose provisional driver's license or limited purpose instruction permit and temporary limited purpose driver's license, temporary limited purpose provisional driver's license or temporary limited purpose instruction permit shall be the same design as the compliant license and instruction permit. [Eff 11/30/02; comp 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; comp ]  
 (Auth: HRS §§286-18, 286-102, 286-104.5, 286-109)  
 (Imp: HRS §§286-104.5, 286-109, 286-109.4, 286-109.5)

§19-122-25 Application for physical disability waiver. A driver may apply for a physical disability waiver (see DOT MVSO Library web site) if the driver:

- (1) Operates exclusively in intrastate commerce; and
- (2) Has failed to meet the physical requirements of 49 CFR 391.41(b)(1) or (2). [Eff 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; comp 11/4/16; am and comp ] (Auth: HRS §§286-18, 286-236) (Imp: HRS §§286-18, 286-236)

~~[§19-122-26 Application for intrastate medical waiver; renewal. (a) A driver may apply for a medical waiver if the driver:~~

- ~~(1) Operates exclusively in intrastate commerce; and~~
- ~~(2) Has failed to meet the physical requirement of 49 CFR 391.41(b)(3). (b) A driver who applies for a waiver under this section shall not, in the three years preceding a waiver request, have:~~
  - ~~(1) An uncontrolled condition of diabetes or had a hypoglycemic reaction that required the assistance of another person to regain control; or~~
  - ~~(2) A driving record for:~~
    - ~~(A) Suspensions or revocations of driving privilege for operation of any motor vehicle, not including withdrawals due to non-payment of fines;~~
    - ~~(B) Involvement in a reportable accident for which the applicant received a citation for a moving violation;~~
    - ~~(C) Involvement in a reportable accident for which the applicant contributed to the cause of the accident;~~
    - ~~(D) Convictions for a disqualifying offense under section 286-240, HRS, or more than one serious traffic violation as defined in section 286-231, HRS; or~~
    - ~~(E) More than two convictions for any other moving traffic violations.~~

~~(c) Applicant under this section must provide the following information to the examining endocrinologist or internist:~~

- ~~(1) A complete medical history, including all hospitalization reports, consultation notes, diagnostic examinations, special studies pertaining to the diabetes, and follow-up reports;~~
- ~~(2) A signed statement from an examining ophthalmologist or optometrist that the applicant does not have active or untreated proliferative diabetic retinopathy and has stable visual acuity (at least 20/40 in each~~

- ~~—eye separately), with or without corrective lenses; and~~
- ~~(3) A complete driving record, as described under subsection (b) (2).~~
- ~~(d) Applicant under this section must be examined by an endocrinologist or internist who will assess the results of the following procedures prior to determining whether the person is qualified to operate a commercial motor vehicle:~~
  - ~~(1) At least one result of glycolysated hemoglobins/HbA1C during the last three months;~~
  - ~~(2) A lipid profile, urinalysis, and CBC;~~
  - ~~(3) Blood pressure readings at rest, sitting, and standing;~~
  - ~~(4) Elevated blood pressure, medication for hypertension, or other evidence of any cardiovascular abnormality will require a maximal exercise stress EKG;~~
  - ~~(5) Ophthalmologic or optometric confirmation of stable visual acuity (at least 20/40 in each eye separately), with or without corrective lenses, and absence of active or untreated proliferative diabetic retinopathy;~~
  - ~~(6) Examination and tests to detect peripheral neuropathy or circulatory deficiencies of the extremities or both; and~~
  - ~~(7) Evaluation of insulin dosages and types, diet utilized for control, and any significant factors such as smoking, alcohol use, and other medications or drugs taken.~~
- ~~(e) The examining endocrinologist or internist shall certify that the applicant under this section:~~
  - ~~(1) Has been using insulin to control the applicant's diabetes prior to the date of the application as follows:~~
    - ~~(A) Two months for applicants with Type 1 diabetes; or~~
    - ~~(B) One month for applicants with Type 2 diabetes.~~
  - ~~(2) Has not had a hypoglycemic reaction within the past three years that required the assistance of another person to regain control;~~
  - ~~(3) Has attended a comprehensive diabetes self~~

~~management training program, and has demonstrated understanding of the disease and procedures which must be followed if for day to day changes in routines and for managing changes in blood sugars and other complications;~~ (4) ~~Has the ability, willingness, and equipment, blood glucose monitor with electronic memory, to properly monitor and manage the diabetes; and~~

- (5) ~~Demonstrates self-blood glucose measurement capably at each visit. [Eff 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16] (Auth: HRS §§286-18, 286-236) (Imp: HRS §§286-18, 286-236)~~

~~§19-122-27 Issuance of intrastate medical waiver under §19-122-26. (a) No intrastate medical waiver under section 122-26 shall be issued unless the applicant obtains certification from the examining endrocrinologist or internist pursuant to section 122o-26c.~~

~~(b) An intrastate medical waiver under section 19-122-26 shall remain in effect if the endocrinologist or internist performing the examination certifies the applicant's diabetic condition will not adversely affect the applicant's ability to operate a commercial motor vehicle.~~

~~(c) Any driver granted an intrastate medical waiver under section 19-122-26 shall:~~

- ~~(1) Test self-blood glucose concentration one hour prior to driving, again within fifteen minutes prior to driving, and approximately every two hours while driving and record those concentrations electronically;~~
- ~~(2) Make records of self-blood glucose eoncentrations available to authorized enforcement personnel upon request;~~
- ~~(3) Take an appropriate snack or other source of glucose should circumstances preclude a particular blood glucose test while driving; however, no two consecutive tests may be replaced by the ingestion of glucose or food;~~

- ~~(4) Carry necessary supplies on the vehicle, including as a minimum, blood sampling lancets, personal blood glucose monitor and strips, and a source of rapidly absorbable glucose; drivers with Type 1 diabetes shall carry a glucagons emergency kit; and~~
- ~~(5) Annually, or more often as indicated by the endocrinologist or internist, apply for the renewal of an intrastate waiver by submitting to a physical examination and submitting updated information on the driver's medical condition, driving record or accident involvement, and the glucose records. [Eff 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; comp 11/4/16] (Auth: HRS §§286-18, 286-236) (Imp: HRS §§286-18, 286-236)]~~

§19-122-28 REPEALED [R 10/14/11]

§19-122-29 Application for hazardous materials endorsement. Every commercial driver who applies for, renews, or transfers a hazardous material endorsement shall:

- (1) Provide proof of citizenship or immigration status as specified in [~~Table 1 to 49 CFR section 383.71 (a)(9), effective 12/1/08, as shown in Exhibit K located at the end of this chapter~~] "List of Acceptable Documents for a Real ID Compliant (Star) Hawaii Driver's License, Instruction Permit, Provisional Driver's License or Hawaii State Identification Card" located on the DOT MVSO Library web site. A lawful permanent resident of the United States must additionally provide his or her Bureau of Citizenship and Immigration Services (BCIS) Alien registration number. Only original documents or certified copies of originals are acceptable.
- (2) Submit to a fingerprint-based background check in accordance with the rules issued by



- (3) the Transportation Security Administration under the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), Act of 2001, P.L. No. 107-56, October 26, 2001. The examiner of drivers shall not issue a hazardous materials endorsement until the State receives a notification of no security threat, the applicant presents a valid Transportation Worker Identification Credential (TWIC) or a grant of waiver for the applicant from the Transportation Security Administration of the United States Department of Homeland Security, and the applicant passes the hazardous materials test described in section 19-122-10. [Eff 5/15/06; comp 5/2/08; am and comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; am and comp ] (Auth: Public Law 107-56, October 26, 2001, 115 Stat. 272) (Imp: Public Law 107-56, October 26, 2001, 115 Stat. 272)

§19-122-30 Limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit. If any provision of this chapter conflicts with chapter 286, HRS, the provision of chapter 286 shall prevail. No applicant shall be required to provide proof of a social security number or of lawful status if such applicant is seeking a limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit. [Eff and comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-104.5, 286-108) (Imp: HRS §§286-18, 286-104.5, 286-108)

§§19-122-31 to 19-122-99 (Reserved)

§19-122-100 Severability. If any section or part of this chapter is held invalid for any reason, the invalidity shall not affect the validity of the

§19-122-100

remaining sections or parts of this chapter. [Eff 8/26/82; comp and ren §19-122-100, 6/15/91; comp 12/2/00; comp 11/30/02; comp 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-108) (Imp: HRS §286-108)

§19-122-101 Repeal of prior rules. All rules and regulations relating to and governing the examination of applicants for issuance and renewal of motor vehicle drivers' licenses and instruction permits or the reissuance of motor vehicle operator's licenses and the invalidation of operator's license in effect prior to the effective date of this chapter are repealed. [Eff 8/26/82; comp and ren §19-122-101, 6/15/91; comp 12/2/00; comp 11/30/02; comp 5/15/06; comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-108) (Imp: HRS §286-108)

#### SUBCHAPTER 2 REPEALED

§19-122-150 REPEALED [R 5/15/06]

§19-122-151 REPEALED [R 5/15/06]

§19-122-152 REPEALED [R 5/15/06]

§19-122-153 REPEALED [R 5/15/06]

§19-122-154 REPEALED [R 5/15/06]

#### SUBCHAPTER 3 REPEALED

§19-122-160 REPEALED [R 5/15/06]

§19-122-161 REPEALED [R 5/15/06]

§19-122-162 REPEALED [R 5/15/06]

§19-122-163 REPEALED [R 5/15/06]

§19-122-164 REPEALED [R 5/15/06]

§19-122-165 REPEALED [R 5/15/06]

§19-122-166 REPEALED [R 5/15/06]

§19-122-167 REPEALED [R 5/15/06]

SUBCHAPTER 4 REPEALED

§19-122-200 REPEALED [R 5/15/06]

§19-122-201 REPEALED [R 5/15/06]

§19-122-202 REPEALED [R 5/15/06]

§19-122-203 REPEALED [R 5/15/06]

§19-122-204 REPEALED [R 5/15/06]

§19-122-205 REPEALED [R 5/15/06]

SUBCHAPTER 5 REPEALED

§19-122-250 REPEALED [R 5/15/06]

§19-122-251

§19-122-251 REPEALED [R 5/15/06]

§19-122-252 REPEALED [R 5/15/06]

§19-122-253 REPEALED [R 5/15/06]

§19-122-254 REPEALED [R 5/15/06]

§19-122-255 REPEALED [R 5/15/06]

§19-122-256 REPEALED [R 5/15/06]

§19-122-257 REPEALED [R 5/15/06]

§19-122-258 REPEALED [R 5/15/06]

§19-122-259 REPEALED [R 5/15/06]

§19-122-260 REPEALED [R 5/15/06]

SUBCHAPTER 6 REPEALED

§19-122-275 REPEALED [R 5/15/06]

§19-122-276 REPEALED [R 5/15/06]

§19-122-277 REPEALED [R 5/15/06]

§19-122-278 REPEALED [R 5/15/06]

SUBCHAPTER 7

ACCEPTABLE DOCUMENTS, LIMITATIONS, EXCEPTIONS,  
RETENTION AND DENIAL

§19-122-300 Purpose. The purposes of subchapter 7 are to establish procedures and minimum standards relating to the application and issuance of a Hawaii driver's license or permit in compliance with sections 286-104, 286-106, and 286-110, HRS; and to provide standards, procedures, and exceptions for the issuance or renewal of a driver's license or permit. [Eff and comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; comp ] (Auth: HRS §286-18, 111) (Imp: HRS §§286-104, 286-106, 286-110, 286-111)

§19-122-301 REPEALED [R 1/17/14]

§19-122-302 Required information on application and supporting documents. (a) Each applicant for a driver's license or permit under this chapter shall provide the name, date of birth, [~~sex~~] gender, social security number or other information as stated in subsection (b)(3)(B), mailing address, and the principal residence address if different from the mailing address.

(b) Supporting documents to establish the following must be presented at the time of application. All of the documents shall be originals or certified copies where an original is not expressly required.

- (1) Identity: To establish identity for issuance of a compliant federal REAL ID Act credential the applicant must present at least one of the source documents listed in subparagraphs (A) through (I). An applicant for a non-compliant federal REAL ID limited purpose license or permit may present at least one of the source documents listed in subparagraphs (J) through (Z) to establish identity:
  - (A) Valid, unexpired U.S. passport or U.S. passport card;
  - (B) Certified copy of a birth certificate

- filed with a state office of vital statistics or equivalent agency in the individual's state of birth;
- (C) Consular report of birth abroad issued by the U.S. Department of State, Form FS-240, DS-1350 or FS-545;
  - (D) Valid, unexpired permanent resident card (Form I-551) issued by DHS or INS;
  - (E) Unexpired employment authorization document issued by DHS, Form I-766 or Form I-688B;
  - (F) Unexpired foreign passport with the following: a valid, unexpired U.S. visa affixed and an approved I-94 form documenting the applicant's most recent admittance into the United States or a DHS admittance stamp on the passport[-];
  - (G) Certificate of naturalization issued by DHS, Form N-550 or Form N-570;
  - (H) Certificate of citizenship, Form N-560 or Form N-561, issued by DHS;
  - (I) Valid, unexpired U.S. Jurisdiction-issued compliant driver's license, identification card, or photo learner's permit (plastic vs paper);
  - (J) Additional documentation may be required if the documentation provided is questionable. For instance, ~~[persons desiring an altered sex designation on their driver's license or permit card must in addition to an identity source document submit a completed gender designation form provided by the examiner of drivers; or]~~ applicants that have legally changed their name to a name other than the name that appears on a source document (marriage, adoption, court order, or other mechanism permitted by state law or administrative rule) must in addition to the source document provide evidence of the name change through the presentation of documents issued by a court, governmental body or other entity as

- determined by the state.
- (K) A valid, unexpired consular identification document issued by a consulate from the applicant's country of citizenship or a valid, unexpired passport from the applicant's country of citizenship;
  - (L) An original birth certificate or other proof of age, as designated by the examiner of drivers;
  - (M) A current home utility bill, lease, or rental agreement, or deed or title to real property in the State, as designated by the examiner of drivers;
  - (N) A DHS Form I-589, Application for Asylum and for Withholding of Removal;
  - (O) An official school or college transcript that includes that applicant's date of birth or a foreign school record that is sealed and includes a photograph of the applicant at the age the record was issued;
  - (P) An official school or college identification card that includes the applicant's full name and a photograph of the applicant at the time the identification was issued;
  - (Q) DHS Form I-20 or Form DS-2019;
  - (R) A United States Customs and Immigration Services Deferred Action for Childhood Arrival Approval Letter;
  - (S) A valid identification card for health benefits;
  - (T) A valid identification card for an assistance or social services program;
  - (U) A current voter registration card issued by the State;
  - (V) A wage stub issued in the last six months;
  - (W) An income tax return filed in the last two years;
  - (X) A social security card;
  - (Y) One of the following documents which, if in a language other than English, shall

- be accompanied by a certified translation or an affidavit of translation into English:
- (i) Marriage license or divorce certificate;
  - (ii) Foreign federal electoral photo card issued on or after January 1, 1991;
  - (iii) Foreign student identification card; or
  - (iv) Foreign driver's license.
- (Z) Other proof of Hawaii residency as designated by the director.
- (2) Date of birth: To establish date of birth for issuance of a compliant federal REAL ID Act credential, the applicant must present at least one document included in paragraph (1) (A) through (I). In addition, U.S. Department of Defense DD Form 214 may be accepted for birth dates 1935 or earlier.
- (3) Social security number:
- (A) To establish the social security number, the applicant must present applicant's SSA account number card. The first and last names may exclude special characters, such as a hyphen, apostrophe or okina.
  - (B) If the applicant is not entitled to receive a social security number, then the applicant must present to the examiner of drivers a letter of non-eligibility issued by the SSA. The examiner of drivers may issue a pseudo-number in lieu of the social security number, provided the applicant is not entitled to receive a social security number. For purposes of this section, a pseudo-unique number shall be computer generated and begin with the letters "NSS" followed by six numerical digits. NSS numbers issued shall be unique.
  - (C) Wage and tax statement W-2 form from the previous year. (A printed



- electronically transmitted copy is acceptable.)
- (D) SSA-1099 form from the previous year;
  - (E) Non-Social Security Administration 1099 form from the previous year;
  - (F) A pay stub with the applicant's full name and complete social security number.
- (4) Principal residence: Present any two (homeless and inmates need only one document described in (Q) below) of the following documents that contain the applicant's name, allowing for social security anomalies described in section 19-122-1(a)(2)(D), and the address of applicant's principal residence within the State of Hawaii:
- (A) A current Hawaii driver's license;
  - (B) [~~Vehicle~~] Current vehicle registration or title;
  - (C) A current voter registration card or other mail addressed to the applicant from a government or medical entity that is not more than two months old;
  - (D) Utility bill that is not more than two months old with applicant's name and address;
  - (E) Checking or savings account statement not more than two months old. Two or more different account numbers from the same financial entity count only as one proof of residence address;
  - (F) Payroll check or check stub issued by an employer within six months of the application date;
  - (G) Current mortgage account or proof of home ownership;
  - (H) [~~Residential~~] Current residential rental or time share contract for six months or more;
  - (I) United States income tax return, W-2 form or 1099 SSA benefits form from the previous year;
  - (J) Hawaii income tax return or W-2 form filed in the last two years;

- (K) Receipt for personal property taxes paid to a county within the State of Hawaii within the last year;
- (L) For an individual claiming that the individual had no income to file a tax return and is receiving state welfare assistance, a document from the state department of human services dated not more than ninety days prior to the application for a driver's license card certifying that the individual is receiving state assistance;
- (M) Medical card issued by a Hawaii health insurance agency with principal residence address printed on it;
- (N) Documentation dated not more than ninety days prior to making application that the individual is receiving State of Hawaii public assistance;
- (O) Current property tax assessment bill or statement;
- (P) A stamped department of taxation form A-6, application for tax clearance that is not more than six months old;
- (Q) Homeless or inmate applicants may use the address of their current shelter agency or prison, or if not staying in a shelter, may use the general delivery of the post office nearest where they spend most of their time[+]. For an applicant who qualifies as homeless pursuant to section 286-304(d), HRS, the examiner of drivers shall accept a signed sworn statement from a member of a victim services organization, an attorney, a member of the clergy, correctional institution staff, a medical or other health professional from whom the person has sought services, or a verification letter from a homeless service provider as documentary evidence of the person's address when the applicant is not able to provide a principal residence address.

- (R) Applicants documenting enrollment in a state or federal address confidentiality program which allows an applicant to obtain and use alternative addresses may use an alternative address on the card but must provide the applicant's permanent address for file purposes;
  - (S) In areas where a number and street name have not been assigned for U.S. mail delivery, an address convention used by the U.S. Postal Service is acceptable;
  - (T) Affidavit indicating that the applicant currently resides with the affiant, provided the affiant's address can be verified and the affidavit is notarized within two months of the application date;
  - (U) Other documents the examiner of drivers accepts as proof of principal residence in the State of Hawaii; or
  - (V) A valid identification card for health benefits or an assistance or social services program.
- (5) Notwithstanding the foregoing, for an applicant seeking a limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction purpose driver's license, temporary limited purpose provisional driver's license, or temporary limited purpose instruction permit, aside from the requirements for identity established in paragraph (1)(J) through (Z) and principal residence established in paragraph (4), the requirements of subsection (b) are not required. [Eff and comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; am and comp ] (Auth: §§286-18, 286-104, 286-104.5, 286-111, 286-112) (Imp: HRS §§286-109, 286-104, 286-104.5, 286-111, 286-112).

§19-122-303 Resources for acceptability of documents. The examiner of drivers may refer to the

following sources of information to determine acceptance:

- (1) 6 CFR, Part 37 Real ID Act, Final Rule; Subpart B, section 37.11; section 37.13;
- (2) AAMVA U.S. Resources List of Acceptable Documents;
- (3) AAMVA Verification Matrix; or
- (4) Other sources and references as deemed appropriate by the examiner of drivers. [Eff and comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-104) (Imp: HRS §§286-18, 286-104, 286-109, 286-111)

§19-122-304 Documentary evidence; status of legal presence in the United States. The applicant is required to present valid documentary evidence that the applicant:

- (1) Is a citizen or national of the United States;
- (2) Is an alien lawfully admitted for permanent residence in the United States;
- (3) Has conditional permanent resident status in the United States;
- (4) Has an approved application for asylum in the United States or has entered into the United States in refugee status;
- (5) Is an alien lawfully admitted for temporary residence in the United States;
- (6) Has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (7) Has a pending application for asylum in the United States;
- (8) Has a pending or approved application for temporary protected status in the United States;
- (9) Has approved deferred action status; or
- (10) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent resident status in the United States. [Eff and comp 10/14/11; comp

1/17/14; comp 11/4/16; comp ]  
(Auth: HRS §§286-18, 286-104) (Imp: HRS  
§§286-104, 286-106)

§19-122-305 Evidence of lawful status. The examiner of drivers shall verify that the submitted documents for proof of lawful status are authenticated through electronic or other means, including verification through the SAVE system. The examiner of drivers may accept any one of the following primary documents as proof of lawful status:

- (1) Valid, unexpired U.S. passport or U.S. passport card;
- (2) Certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth;
- (3) Consular report of birth abroad Form FS-240, DS-1350 or FS-545 issued by the U.S. Department of State;
- (4) Valid, unexpired permanent resident card (Form I-551) issued by DHS or INS;
- (5) Certificate of naturalization Form N-550 or Form N-570 issued by DHS;
- (6) Certificate of citizenship, Form N-560 or Form N-561, issued by DHS; or
- (7) Documentation issued by DHS or other federal agencies demonstrating lawful status as determined by the USCIS. [Eff and comp 10/14/11; comp 1/17/14; comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-104) (Imp: HRS §§286-104)

§19-122-306 Exceptions process; persons unable to present all necessary documents. (a) In exceptional circumstances where a document is required under sections 19-122-302, 19-122-304, and 19-122-305 but is not available, the examiner of drivers may accept alternative documents pursuant to section 19-122-303 as proof of an applicant's identity or lawful status.

- (b) Covered employees designated by the examiner

of drivers shall:

- (1) Obtain supervisor approval to accept an alternate document;
  - (2) Obtain supervisor approval before processing applicants with documents showing inconsistent names;
  - (3) Require the applicant to provide at least two government issued documents showing same name;
  - (4) Use name on immigration documents; or
  - (5) Record all names on driver's license record.
- (c) Exceptions for residency for foreign

missions: U.S. Department of State through its Diplomatic Motor Vehicle Office has the sole authority to issue driver's licenses for foreign mission members. No foreign mission member may legally apply for or receive a driver's license in contravention of the limitations and conditions imposed by the U.S. Department of State.

(d) Exceptions for documents to demonstrate lawful status.

- (1) An applicant who is unable to present the documents required to determine lawful status pursuant to section 19-122-305 shall provide at least one of the documents listed below to the examiner of drivers to determine legal entry into the United States:
  - (A) Unexpired employment authorization document Form I-766 or Form I-688B issued by DHS;
  - (B) Unexpired foreign passport with one of the following: a valid, unexpired U.S. visa affixed or an approved I-94 form documenting the applicant's most recent admittance into the United States, or a DHS admission stamp;
  - (C) Other valid, unexpired U.S. INS document not listed in section 19-122-305; or
  - (D) Other documents deemed appropriate by the examiner of drivers for proof of legal entry.
- (2) The examiner of drivers shall verify that the submitted alternate documents for proof of lawful status are authenticated through

- electronic or other means, including verification through the SAVE system;
- (3) Notwithstanding all other eligibility requirements for licensure, if the examiner of drivers can determine the length of lawful stay, the applicant's license shall expire on the same date as the expiration date of lawful status;
- (4) Notwithstanding all other eligibility requirements for licensure, if the examiner of drivers cannot verify the length of lawful status, the applicant's license shall not exceed one year from the date of entry into the United States;
- (5) An applicant who can provide the examiner of drivers with satisfactory and verifiable evidence of being fifty years of age or older, along with acceptable proof of the applicant's social security number verified by the examiner of drivers through SSOLV; and who has met all other eligibility requirements for licensure in this State such applicant may be issued a license with an expiration date pursuant to section 286-106, HRS.
- (e) Exception process recorded.
  - (1) Alternate documents accepted during an exception process shall be verified for authenticity and noted in driver's record; and
  - (2) All copies or images of the alternate documents accepted shall be retained and attached to driver's record.
- (f) Exceptions for document to show proof of social security number. If a SSA account card is not available, one of the following documents bearing the applicant's social security number verified by the examiner of drivers through SSOLV may be accepted:
  - (1) A W-2 form, from previous year;
  - (2) A SSA-1099 form, from previous year;
  - (3) A non-SSA 1099 form, from previous year[-];
  - (4) A pay stub with the applicant's name and social security number on it.
- (g) Exceptions for documents to show proof of

- legal name and date of birth.
- (1) An applicant who is unable to present the documents required to establish identity or date of birth pursuant to section 19-122-302(1) and 2 shall provide at least one of the following documents to the examiner of drivers to determine the applicant's legal name and date of birth:
    - (A) Valid U.S. territorial driver's license with photo issued by a Real ID compliant jurisdiction;
    - (B) U.S. Immigration and Naturalization document or card not listed in section 19-122-302;
    - (C) Alien registration refugee card;
    - (D) Valid military identification card or U.S. Department of Defense common access card;
    - (E) Current or expired State of Hawaii identification card issued after January 1, 2013;
    - (F) Other documents deemed appropriate by the examiner of drivers for proof of name and date of birth;
  - (2) The examiner of drivers shall verify that the alternate documents presented to establish legal name and date of birth are authenticated through electronic or other means;
  - (3) An applicant who can provide the examiner of drivers satisfactory and verifiable evidence of being fifty years of age or older, along with acceptable proof of the applicant's name that can be verified by the examiner of drivers through electronic or other means and has met all other eligibility requirements for licensure in this state, such applicant may be issued a license with an expiration date pursuant to section 286-106, HRS. [Eff and comp 10/14/11; comp 1/17/14; am and comp 11/4/16; am and comp ] (Auth: §§286-18, 286-104) (Imp: HRS §§286-104, 286-106)



§19-122-307 Verification of acceptable documents.

(a) The examiner of drivers shall authenticate all documents submitted as evidence of lawful status or temporary lawful status under this subchapter electronically or by other means deemed appropriate. Authentication sources may include but are not limited to the following:

- (1) Systematic alien verification for entitlements (SAVE) system;
- (2) Other means whether electronic or manual;
- (3) If two DHS issued documents listed under section 19-122-305 are submitted for evidence of lawful status, and a SAVE verification of one document confirms lawful status or temporary lawful status, the SAVE verification need not be repeated for the second lawful status document presented;

(b) The examiner of drivers shall verify all documents submitted as evidence of the applicant's social security number under section 19-122-302(b)(3) electronically or by other means with the SSA. Verification sources may include but are not limited to the following:

- (1) Social security on-line verification system (SSOLV);
- (2) Other means whether electronic or manual.  
[Eff and comp 10/14/11; comp 1/17/14;  
am and comp 11/14/16; am and comp ]  
(Auth: HRS §§286-18, 286-104) (Imp: HRS  
§§286-104, 286-106)

§19-122-308 Temporary driver's license or temporary instruction permit. (a) The examiner of drivers may issue a temporary driver's license or a temporary instruction permit under the following conditions:

- (1) Whenever the person is applying for a new or renewed driver's license;
- (2) If, due to circumstances beyond the applicant's control, the applicant's documents or information relating to identity (including social security number), and lawful status have not yet been verified;

- (3) In the event of a non-match or non-response from SAVE, or a questionable status, and the examiner of drivers is unable to resolve the issue through the exceptions process indicated under section 19-122-306;
  - (4) In the event of a non-match or non-response from SSOLV, or a questionable status, and the examiner of drivers is unable to resolve the issue through the exceptions process indicated under section 19-122-306;
  - (5) Whenever the examiner of drivers has reasonable cause to believe that the applicant may be a victim of an image conflict, fraud, or where a discrepancy may exist in the applicant's information when the examiner of drivers attempts to verify the accuracy of the applicant's records with the issuing agency.
- (b) The examiner of drivers shall not issue a temporary instruction permit or temporary driver's license under the following conditions:
- (1) Whenever the applicant's driving privilege or driver's license or instruction permit is cancelled, suspended, invalid, revoked, forfeited, or subject to any similar action within this State or any other state, dominion or country;
  - (2) Whenever the examiner of drivers, after completing the verification process which includes SAVE and SSOLV or other DHS-approved means, is unable to verify the applicant's documents or evidence of lawful status in the United States. For applicants seeking a limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit, or seeking a temporary limited purpose driver's license, temporary limited purpose provisional driver's license, or temporary limited purpose instruction permit, the requirements of this paragraph do not apply;
  - (3) Whenever the applicant does not hold a Hawaii issued driver's license or instruction permit and is not a temporary or permanent lawful

- resident;
- (4) Whenever the applicant holds a commercial driver's license or commercial learner's permit, unless the driver is qualified for a CDL but needs to wait for central issuance to produce and deliver the CDL;
- (5) Whenever the examiner of drivers has been notified that the applicant failed to comply with the provisions as set forth in section 286-109, HRS; or
- (6) Whenever the examiner of drivers is notified that the applicant is subject to the provisions of chapter 286C, HRS.
- (c) The temporary driver's license or temporary instruction or commercial learner's permit shall:
  - (1) Be clearly marked on the face of the permit with the following text: "STATE OF HAWAII This is a temporary instruction or commercial learner's permit or temporary driver's license";
  - (2) Be printed on paper format with security features as determined by the examiners of drivers of the four counties and shall be consistent statewide;
  - (3) Be valid for:
    - (A) A period of no greater than sixty days or no longer than the expiration date of lawful status in the United States, whichever is less; or
    - (B) A period of no greater than sixty days if the evidence of lawful status has no expiration date.
- (d) Renewal of the temporary driver's license or temporary instruction or commercial learner's permit shall be subject to the following:
  - (1) A temporary driver's license or temporary instruction or commercial learner's permit may be renewed once, provided that the examiner of drivers:
    - (A) Verifies the renewal applicant's social security number and lawful status through SSOLV and SAVE, or through other DHS-approved means; and
    - (B) Verifies electronically any information

that was not verified at the previous issuance.

- (2) A temporary driver's license or temporary instruction or commercial learner's permit shall not be renewed by mail.
- (3) All material changes must be established through the applicant's presentation of an original or certified copy of the source document and must be verified by the examiner of drivers by electronic, manual or other means.

(e) Notwithstanding the requirements of subsections (a) through (d), for applicants seeking a limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit, the applicant will not be required to provide a social security number or proof of lawful status in the United States. [Eff and comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-104, 286-104.5, 286-106, 286-108, 286-236, 286-238, 286-239; 49 CFR §383.73) (Imp: HRS §§286-18, 286-104, 286-104.5, 286-106, 286-108, 286-236, 286-238, 286-239; 49 CFR §383.73)

§19-122-309 (Reserved).

§19-122-310 (Reserved).

§19-122-311 Verification of lawful status nonrefundable fees. (a) The examiner of drivers shall charge a nonrefundable flat one dollar fee to applicants who require a verification of lawful status.

(b) The fees collected shall become state realizations and be deposited into the state highway fund. [Eff and comp 10/14/11; comp 1/17/14; comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-104, 286-110) (Imp: HRS §§286-18, 286-110, 286-111)

§19-122-312 Duplicate and renewal of driver's license. (a) Applicants with temporary lawful status shall appear before the examiner of drivers and submit proof of legal presence when applying for a renewal or duplicate license or permit.

(b) Any license issued to applicants with temporary lawful status may be renewed up to ninety days after expiration. Thereafter, the applicant shall be treated as a new applicant for a license. The examiner of drivers shall waive the general knowledge and practical tests, provided the completed application is processed within ninety days from the expiration of the applicant's previous license.

(c) Any non-CDL license issued to applicants with permanent lawful status may be renewed by mail, provided they previously presented documents to prove legal name, date of birth, social security number, legal presence and Hawaii principal residence address and were issued a star marked compliant instruction permit, provisional driver's license or driver's license. These applicants are not required to present documentary proof again, unless any information on the documents has changed. However, a new photograph must be taken in-person by DMV staff at renewal, no less frequently than every sixteen years or at the time of application prior to when the sixteenth-year falls within the term of the renewal credential.

(d) Duplicate licenses may be obtained by mail. Lawful status applicants shall include proof of lawful status as stated in section 19-122-305 and any other documents that may be required by the examiner of drivers.

(e) A duplicate license requested by mail may only be delivered to the mailing address on record. Applicants must submit a change of mailing address request and furnish proof of a new mailing address if a change of mailing address is requested.

~~[(d)]~~ (f) Persons desiring alteration of their driver's license card based on a change of gender must ~~[submit a completed gender designation form provided by the examiner of drivers and]~~ pay the associated fee;

~~[(e)]~~ (g) The examiner of drivers shall not issue, provide a duplicate, or renew an applicant's driver's license or permit whenever the applicant's check or any

other form of payment has been dishonored and the payment of the dishonored amount plus service charges has not been received in the form of cash, cashier's check, money order, or any other form of payment acceptable to the examiner of drivers. [Eff and comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; am and comp ] (Auth: HRS §§286-18, 286-104) (Imp: HRS §§286-104, 286-106)

§19-122-313 Denial of license. (a) If there is reasonable cause to believe that the applicant for a Hawaii driver's license or instruction or commercial learner's permit has not met the standards set forth in this subchapter, the examiner of drivers shall not issue or renew the license, permit, or privilege to operate a motor vehicle on the public streets, roads and highways of this State.

(b) The examiner of drivers shall not issue any driver's license or permit to any person whose check or any other form of payment has been dishonored until the payment of the dishonored amount plus service charges are received in the form of cash, cashier's check, or money order, or any other form of payment acceptable to the examiner of drivers. [Eff and comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-104) (Imp: HRS §§286-102, 286-104, 286-106, 286-10)

§19-122-314 Issuance of license or permit after denial. (a) A person who for reasons pursuant to this chapter was denied a Hawaii driver's license or instruction or commercial learner's permit may submit to the examiner of drivers additional documents, evidence, or information to determine proof of identity and lawful status; or qualify for any of the exceptions for the issuance of a Hawaii driver's license or instruction permit as set forth within this chapter.

(b) The examiner of drivers may consider any or all of the additional documents, evidence, or information submitted by the applicant and may require other information deemed relevant to effectively evaluate and determine the applicant's proof of

identity, principal residence, and lawful status; or qualify for any of the exceptions for the issuance of a Hawaii driver's license or instruction or commercial learner's permit as set forth within this chapter. [Eff and comp 10/14/11; am and comp 1/17/14; comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-104) (Imp: HRS §§286-104, 286-119)

§19-122-315 Appeal to circuit court. Any person denied a license under this subchapter shall have a right of appeal as provided in section 286-129, HRS. [Eff and comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: HRS §§91-14, 286-18, 286-104) (Imp: HRS §§91-14, 286-104, 286-129)

§19-122-316 Return of mailed driver's license, provisional driver's license, instruction permit, limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit. (a) The examiner of drivers may issue, over-the-counter, a United States Postal Service (USPS) returned driver's license, provisional driver's license, instruction permit, limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit if assured that a USPS delivery error has occurred or under other unique circumstances as determined by the examiner of drivers.

(b) If returned mailed driver's license, provisional driver's license, instruction permit, limited purpose driver's license, limited purpose provisional driver's license or limited purpose instruction permit is due to an address change, the examiner of drivers may issue, over-the-counter, a USPS returned driver's license, provisional driver's license, instruction permit, limited purpose driver license, limited purpose provisional driver's license, or limited purpose instruction permit with the incorrect address provided that appropriate documentary evidence of the new principal residence address, principal address, or mailing address is presented and scanned into the applicant's driver's license record.

(c) Address changes need not be reflected on the

card according to 6 CFR Part 37 §37.3. If the applicant wishes the card printed with the correct address, a duplicate fee shall be assessed. If the address changes are due to a clerical error, a no-charge duplicate shall be issued. [Eff and comp 11/4/16; comp ] (Auth: HRS §§286-104.5, 286-111) (Imp: HRS §§286-104.5, 286-111)

## SUBCHAPTER 8

### MEDICAL CONDITIONS, RESTRICTIONS, AND DENIAL

§19-122-350 Purpose. The purposes of subchapter 8 are to establish procedures for the application for the issuance of a driver's license or permit to persons with medical conditions that could affect their ability to safely operate a motor vehicle, and to provide for vision standards, procedures, and tests for the issuance or renewal of a driver's license or permit. [Eff and comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; comp 11/4/16; comp ] (Auth: HRS §§286-4.1, 286-18, 286-102, 286-104, 286-107, 286-108; 286-109; 286-110) (Imp: HRS §§286-102; 286-104, 286-107, 286-108, 286-109, 286-110)

§19-122-351 Definitions. As used in this subchapter, unless a different meaning clearly appears in the context:

"Medical advisory board" means the board of medical advisors, as provided in section 286-4.1, HRS.

"Medical doctor" means licensed medical doctor or doctor of osteopathy.

"Medical report" means a report submitted to the examiner of drivers on [form DOT-H 2958 (6/12) as shown in Exhibit I, "Medical Report", dated 6/12 located at the end of this chapter.] the form developed by the DOT and available at the DOT MVSO Library web site. [Eff and comp 5/2/08; am and comp 7/29/10; comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; am and comp ] (Auth: §§286-18, 286-102) (Imp: §286-102)



§19-122-352 Sources of information reporting medical condition. (a) The examiner of drivers has reasonable cause to believe written information that is received from:

- (1) Federal, state, or county police authorities;
- (2) Licensed medical doctors and optometrists;
- (3) Federal or state courts; or
- (4) Examiner of drivers or authorized representatives of the examiner of drivers.

(b) Upon receipt of such information, the examiner of drivers may initiate the appropriate action. [Eff and comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: §§286-18, 286-104, 286-106, 286-107, 286-110, 286-119, 286-137) (Imp: §§286-104, 286-106, 286-107, 286-110, 286-119, 286-137)

§19-122-353 Examination of applicant or licensee.

(a) The examiner of drivers will include, as part of the application for a driver's license, renewal or permit, questions as to the existence of physical or mental conditions which may impair the ability of the applicant to operate a motor vehicle safely or which make such operation hazardous to the public safety. These questions must be answered by each applicant for a driver's license or permit and by each licensee seeking renewal of a driver's license.

(b) If the answer to any such question indicates the existence of any physical or mental condition that the examiner of drivers determines may prevent the applicant from safely operating a motor vehicle, the examiner of drivers may require an examination of the applicant by a licensed physician or any other competent authority acceptable to the examiner of drivers.

(c) If the examiner of drivers has reasonable cause beyond self-disclosure on the application form to believe that an applicant has a medical condition which may prevent the applicant from safely operating a motor vehicle or which makes such operation hazardous to public safety, the examiner of drivers may require a completed medical report and other examinations and reports by a licensed medical doctor or any other

competent authority acceptable to the examiner of drivers.

(d) The cost of such examinations must be borne by the person whose fitness to operate a motor vehicle safely is in question.

(e) The examiner of drivers may issue a temporary permit up to one year duration, with medical restrictions~~[, which must include a restriction against driving on highways, to applicants who have successfully completed their initial driver rehabilitation assessment]~~.

(f) Pending submission of required examinations the examiner of drivers may ~~[adopt and]~~ issue a ninety-day temporary license to a licensee. The examiner of drivers may extend the license for an additional ninety days for good cause. In more serious cases, such as a loss of consciousness, the examiner of drivers may suspend the driver's license pending the outcome of the medical review. If the medical report is received within six months from the date of the physical, mental or visual examination, the examiner of drivers will evaluate the applicant and may issue or deny the license, with or without restrictions and require the surrender of the applicant's existing license or permit.

(g) The examiner of drivers may use the results of any physical or mental examinations or reports only to determine the physical or mental competency of the person for the purpose of revoking, suspending, allowing a voluntary surrender and canceling, denying or issuing a driver's license or permit. This information is privileged and may be released only to the person examined, to the medical advisory board, to the attorney or other authorized persons of the person examined, pursuant to a court order or to the hearing officer upon the person's written request for a hearing. [Eff and comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16ll; am and comp ] (Auth: §§286-18, 286-103, 286-107, 286-108) (Imp: §§286-103, 286-107, 286-108)

§19-122-354 Notice to applicant. When a medical report is required, the applicant has thirty days after

receipt of the notice of requirement of a medical report to submit the completed medical report. Notice by mail shall be deemed received ten days after mailing. [Eff and comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: §§286-18, 286-107) (Imp: §286-107)

§19-122-355 Cancellation and surrender of license or permit. (a) The examiner of drivers will cancel the driver's license or permit of any person who fails to submit a complete medical report within thirty days after receiving notice that a medical report is required.

(b) If it is determined that a licensee or permittee is unable to safely operate a motor vehicle, the examiner of drivers will cancel the driving privilege and notify the licensee or permittee of the cancellation. Upon notification, the licensee or permittee shall surrender the driver's license or permit within ten business days. Notice of cancellation and surrender of license or permit shall be deemed received ten days after mailing.

(c) The licensee may apply for a reinstatement of the applicant's driver's license or permit if the applicant presents medical evidence satisfactory to the examiner of drivers that the applicant is physically or mentally capable, or both, of operating a motor vehicle safely. [Eff and comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp; ] (Auth: §§286-18, 286-107, 286-119) (Imp: §§286-107, 286-119)

§19-122-356 Vision standards. (a) Each applicant shall meet the minimum standards of vision to qualify for a permit or license. Failure to meet the minimum standards of vision shall result in the applicant not being licensed to drive. Where the tests indicate a restriction is appropriate, the permit or license shall be subject to the appropriate restrictions established under section 19-122-358. All restrictions shall be noted on the driver's license.

The minimum standards for applicants of a category 1, 2, or 3 driver's license shall be:

- (1) Visual acuity. The applicant shall have 20/40 (Snellen) or better vision in one eye, corrected or uncorrected; and
  - (2) Peripheral vision or the horizontal vision field. The applicant shall have the ability to see a field of vision of seventy degrees or more using one eye.
- (b) The minimum standards for a category 4 or commercial driver license shall be:
- (1) Visual acuity. The applicant shall have at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses;
  - (2) Distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses;
  - (3) Field of vision of at least 70 degrees in the horizontal meridian in each eye; and
  - (4) The ability to recognize the colors of traffic signals and devices showing standard red, green, and amber. [Eff and comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: HRS §§286-18, 286-108, 286-236; 49 CFR §383.71) (Imp: §§286-108, 286-236; 49 CFR §383.71)

§19-122-357 Vision test; procedures. The vision test shall be given to all applicants for a permit, a new license, or a license renewal and shall be conducted as follows:

- (1) The examiner shall allow each applicant ten minutes after entering the office before conducting the vision test to permit the applicant's eyes to adjust to light conditions;
- (2) The examiner shall carefully explain the test and the responses desired; and
- (3) The examiner of drivers may waive the vision test if the applicant presents a certificate

of eye examination completed by a licensed ophthalmologist or optometrist within the last six months. [Eff and comp 5/2/08; comp 7/29/10; comp 10/14/11; am and comp 1/17/14; am and comp 11/4/16; comp ]  
(Auth: §§286-18, 286-108) (Imp: §286-108)

§19-122-358 Vision test; restrictions for categories 1, 2, and 3. With or without correction:

- (1) The applicant with visual acuity of 20/40 or better in each eye and whose horizontal visual field is 140 degrees or more using both eyes shall have no restriction;
- (2) The applicant with visual acuity of 20/40 or better in each eye and whose horizontal visual field is 70-139 degrees using both eyes shall have a restriction for outside rear view mirrors;
- (3) The applicant with visual acuity of 20/40 or better in only one eye and whose horizontal visual field is 70 degrees or more in the better eye shall have a restriction for outside rear view mirrors; and
- (4) The applicant using corrective lenses shall be restricted to operating a vehicle only when corrective lenses are worn. [Eff and comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: §§286-18, 286-103) (Imp: §286-103)

§19-122-359 Requirement to submit medical report.

(a) A person who has experienced any of the following physical or medical conditions, and who is applying for or renewing a driver's license or who is requested by the examiner of drivers to obtain a medical examination, must submit a written medical report describing the condition and its effect on the person's ability to operate a motor vehicle safely:

- (1) Any person who experiences a lapse of consciousness occurring within the last two

- (2) years as a result of a condition which can cause a lapse of consciousness, including, without limitation, epilepsy, diabetes, frequently reoccurring fainting or dizzy spells caused by major medical problems and major head injuries or any other injuries or conditions resulting in lapses of consciousness;
- (3) Any person having a cardiovascular condition or related condition occurring within the last two years which may interfere with the ability of the person to operate a motor vehicle safely, including, without limitation, myocardial infarction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse or congestive cardiac failure;
- (4) Any person who has a mental, nervous or functional disease or psychiatric disorder, which is likely to interfere with the person's ability to safely operate a motor vehicle;
- (5) Any person who has an established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease which may interfere with the ability to control and safely operate a motor vehicle;
- (6) Any person who has an established medical or clinical diagnosis of chronic alcoholism or drug addiction;
- (7) Any applicant who fails the vision test as set forth in section 19-122-356; and
- (8) Any person who the examiner of drivers has reasonable cause to believe has a medical condition which may interfere with the safe operation of a motor vehicle.

(b) The completed medical report must indicate whether the condition of the applicant and any medication prescribed for the applicant would affect the applicant's ability to safely operate a motor vehicle.

(c) The medical report is valid for no more than six months from the date of the physical or mental examination, unless the medical advisory board recommends a more current report.

(d) The examiner of drivers may use the results of any physical or mental examinations or reports only to determine the physical or mental competency of the person for the purpose of revoking, suspending, allowing a voluntary surrender and canceling, denying or issuing a driver's license or permit. This information is privileged and may be released only to the person examined, to the medical advisory board, to the attorney or other authorized persons of the person examined, pursuant to a court order or to the hearing officer upon the person's written request for a hearing. [Eff and comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: §§286-4.1, 286-18, 286-103, 286-107) (Imp: §§286-103, 286-107)

§19-122-360 Medical advisory board. (a) The medical advisory board shall be established within the office of the director, for administrative purposes, and shall consist of no fewer than five physicians licensed to practice in the State. A quorum of three board members are required to review and make recommendations to the examiner of drivers on the medical cases discussed at the meeting. The members of the board shall be appointed by the governor as provided in section 26-34, HRS, except as otherwise provided by this subchapter: one psychiatrist, one neurologist, one orthopedic surgeon, one ophthalmologist or optometrist, and one specialist in cardiovascular disease. The members of the board shall serve without compensation, but shall be reimbursed for expenses, including travel expense, actually incurred in the performance of their duties under this subchapter.

(b) The medical advisory board shall:

- (1) Assist the examiner of drivers or authorized representative by developing medical and health standards and a system for medically evaluating persons, for use in the issuance

of driver's licenses; and

- (2) Provide recommendations to the examiner of drivers in an advisory capacity on the ability of persons with medical conditions to safely operate a motor vehicle.

(c) The examiner of drivers or authorized representative may request an advisory opinion or recommendation from the medical advisory board if the permit or license of any person applying for a driver's license, permit, or renewal of either privilege has been suspended, revoked, canceled or denied pursuant to the provisions of section 286-119, HRS or if the examiner of drivers has reasonable cause to believe that such person suffers from a medical condition that may affect such person's ability to safely operate a motor vehicle.

(d) The medical advisory board may use medical and examination reports submitted to or requested by the medical advisory board only to determine the medical condition of an applicant. Reports of the medical advisory board may be admitted in proceedings under the provisions of the State's contested hearings, Chapter 91 HRS, and the rules and regulations relating to hearings of the examiner of drivers of each respective county within this State.

(e) The medical advisory board shall meet on the second Monday of each month. Should the second Monday fall on a recognized state holiday, the medical advisory board shall meet on as close as practicable to the second Monday of the month. The board may cancel a meeting if there are less than ten cases submitted for their review or a quorum is not available to meet.

[Eff and comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; am and comp ]

(Auth: §§286-4.1, 286-18) (Imp: §286-4.1)

§19-122-361 Restrictions related to a medical condition. The examiner of drivers may adopt and impose restrictions ~~[as shown in Exhibit J, "License and Permit Restrictions", dated 9/1/15, located at the end of this chapter,~~] and compulsory requirements when licensing persons to drive a category 1, 2 or 3 driver's license. A driver's license shall not be



issued and a driving test shall not be conducted until the applicant complies with the provisions of this section. The examiner of drivers will not charge a fee to add a restriction to a license as a result of a medical condition. [Eff and comp 5/2/08; am and comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; am and comp ] (Auth: §§286-18, 286-103, 286-107) (Imp: §§286-103, 286-107)

§19-122-362 Denial of license: medical conditions. If one or more of the following medical conditions exist and there is documented evidence through medical examinations or reports in addition to appropriate departmental evaluations and examinations which indicate the disorder would severely impair the person's ability to safely operate a motor vehicle, the examiner of drivers will not issue or renew the license, permit or privilege. The existence of one of these conditions does not automatically preclude the applicant from obtaining a license if the condition is not severe enough to impair the applicant's driving ability:

- (1) Lapses of consciousness, severe dizziness, fainting spells, head injuries, seizures or any other injuries or conditions resulting in lapses of consciousness, including, without limitation, epilepsy or disorders related to or associated with diabetes. A person suffering from lapses of consciousness or any other disorder as specified above will not be issued a license until the applicant submits to the examiner of drivers a medical report signed by the applicant's medical doctor which states that:
  - (A) Applicant has been free of seizures or has not suffered any fainting or dizzy spells or other such disorders for a period of six months; or
  - (B) The seizure or other condition resulting in the lapse of consciousness was an isolated incident and is unlikely to reoccur.

- (C) The medical report must also state whether any medication prescribed for the person will interfere with the ability of the person to operate a motor vehicle safely and the date of the most recent seizure or lapse of consciousness;
- (2) Any cardiovascular condition or related condition such as myocardial infarction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse or congestive cardiac failure;
- (3) Any mental, nervous or functional disease or psychiatric disorder, which is likely to interfere with the applicant's ability to safely, operate a motor vehicle;
- (4) Any established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular diseases that may interfere with the applicant's ability to safely operate a motor vehicle;
- (5) Any established medical or clinical diagnosis of chronic alcoholism or drug addiction;
- (6) Inability to meet the minimum vision standards established by the examiner of drivers; or
- (7) Any physical or mental condition which impairs the ability of the person to operate a motor vehicle safely and which:
  - (A) Affects perception;
  - (B) Affects consciousness, including, without limitation, epilepsy;
  - (C) Alters judgment; or
  - (D) Limits motion. [Eff and comp 5/2/08; am and comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: §§286-18, 286-104) (Imp: §286-104)

after denial; submission of information regarding hazard to public welfare. (a) If a person who, for medical or physical reasons or because the person's licensing would be hazardous to public safety, has been denied a license or permit, or has had a license suspended, revoked, or canceled subsequently applies for issuance or reinstatement of the license or permit, the person may be required to submit the following information:

- (1) A current statement concerning the condition by any treating medical doctor or other competent authority acceptable to the examiner of drivers. The medical statement must include the diagnosis, treatment, and prospect of recovery from or control of the condition; and
- (2) A current medical report covering the results of any medical examinations pertinent to the condition in question.

(b) The examiner of drivers may consider approval recommended by the medical advisory board, when applicable, and any other information the examiner of drivers deems relevant.

(c) The examiner of drivers or authorized representative may, in addition, require the applicant or licensee be given a driving test and other examinations which are deemed necessary to effectively evaluate the ability of the applicant or licensee to operate a motor vehicle safely.

(d) The examiner of drivers may require any or all of the information specified in this section, together with any other information deemed relevant in any case in which the issue arises as to whether the driving of a motor vehicle by a person would be hazardous to the public welfare. [Eff and comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; am and comp 11/4/16; comp ] (Auth: §§286-18, 286-107) (Imp: §286-107)

§19-122-364 Hearings. (a) A licensee has thirty days after the effective date of a suspension, revocation or cancellation of a license or permit, the denial of an application or imposition of a restricted

license to petition the examiner of drivers for a hearing. The County examiner of drivers will appoint a hearings officer to preside over the hearing.

(b) Upon request for the hearing, the applicant or licensee shall provide all available information necessary to determine the fitness of the applicant or licensee to operate a motor vehicle safely, including the licensee's or applicant's statement of his or her case history, any treating physician's statement as to the diagnosis, treatment and prospect of recovery from or control of the condition and any other information deemed necessary by the hearing officer." [Eff and comp 5/2/08; comp 7/29/10; comp 10/14/11; comp 1/17/14; comp 11/4/16; comp ] (Auth: §286-18) (Imp: §§286-18, 286-119)

2. Material, except source notes, to be repealed is bracketed and has strikethrough font. New material is underscored.

3. The adoption of chapter 19-122, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, HRS, which were adopted on \_\_\_\_\_ and filed with the Office of the Lieutenant Governor.

\_\_\_\_\_  
JADE T. BUTAY  
Director of Transportation

APPROVED AS TO FORM:

\_\_\_\_\_  
DEPUTY ATTORNEY GENERAL